

Message Text

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ACTION NEA-10

INFO OCT-01 EUR-12 EA-07 ISO-00 CIAE-00 DODE-00 PM-04 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 DHA-02 IO-13 TRSE-00 OMB-01 /091 W
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P R 211026Z JAN 77

FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC PRIORITY 0724
INFO AMEMBASSY COLOMBO
AMEMBASSY DACCA
AMEMBASSY ISLAMABAD
AMEMBASSY KATHMANDU
AMEMBASSY LONDON
AMEMBASSY MOSCOW
USLO PEKING
AMCONSUL BOMBAY
AMCONSUL CALCUTTA
AMCONSUL MADRAS
CINCPAC HI

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CINCPAC FOR POLAD

EO 11652: NA
TAGS: PINT, IN
SUBJ: RELAXING THE EMERGENCY

REF: NEW DELHI 0906

1. IN ACCORDANCE WITH MRS GANDHI'S ASSURANCE IN HER
JANUARY 18 ANNOUNCEMENT OF ELECTIONS THAT THE RULES
OF THE EMERGENCY WERE TO BE RELAXED TO PERMIT "ALL
LEGITIMATE ACTIVITY NECESSARY FOR RECOGNIZED PARTIES
TO PUT FORTH THEIR POINTS OF VIEW" (REFTEL), THE GOI
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ANNOUNCED ON JAN 20 THE FOLLOWING STEPS:

(A) FORMAL ENDING OF PRESS CENSORSHIP: INFORMA-
TION AND BROADCASTING MINISTER V.C. SHUKLA ANNOUNCED
THAT THE GOVERNMENT HAD DECIDED NOT TO ENFORCE THE
CENSORSHIP ORDER WHICH HAD BEEN PASSED UNDER DIR
IMMEDIATELY FOLLOWING THE PROCLAMATION OF THE EMERGENCY.

NONETHELESS, SHUKLA HOPED THAT THE PRESS WOULD REFRAIN FROM PRINTING REPORTS OR COMMENTS WHICH MIGHT DISTURB LAW AND ORDER AND URGED JOURNALISTS AND EDITORS TO SCRUPULOUSLY ADHERE TO THE "CODE OF ETHICS" WHICH THEY HAD DRAWN UP. (NOTE: THIS CODE OF ETHICS HAD BEEN DRAFTED BY A GROUP OF EDITORS IN LATE 1975 AND APPROVED IN PRINCIPLE BY SHUKLA SEVERAL MONTHS LATER.) WE ARE NOT SURE WHETHER THE RESTRAINTS ON REPORTING ON BANGLADESH WILL ALSO BE REMOVED.

(B) HOME MINISTRY ANNOUNCED THAT IT WAS ADVISING STATE GOVERNMENTS TO "EXPEDITE" THE RELEASE OF POLITICAL DETAINEES HELD UNDER MISA. IN ADDITION, THE HOME MINISTRY WITHDREW THE AUTHORITY THAT STATE GOVERNMENTS HAVE HAD UNDER SECTION 16A OF MISA TO DETAIN PERSONS WITHOUT DIVULGING THE GROUNDS FOR DETENTION. HEREAFTER, STATES MAY DETAIN A PERSON WITHOUT GIVING GROUNDS ONLY IF THE PERSON BELONGS TO ONE OF THE BANNED ORGANIZATIONS (RSS, ANANDA MARG, ETC.) OR IF IT RECEIVES PRIOR PERMISSION FROM THE CENTRAL GOVERNMENT.

(C) THE HOME MINISTRY ALSO ADVISED STATE GOVERNMENTS THAT NO RESTRICTIONS WERE TO BE PLACED ON PUBLIC MEETINGS WHICH ARE HELD FOR THE PURPOSE OF NORMAL POLITICAL ACTIVITY IN CONNECTION WITH THE ELECTION. THE CENTRAL GOVERNMENT ALSO WITHDREW THE POWERS ENJOYED BY STATE GOVERNMENTS UNDER DISIR (DEFENSE OF INTERNAL SECURITY OF INDIA RULES) WHICH HAD EMPOWERED THEM TO RESTRICT AND CONTROL THE MOVEMENT OF PERSONS AND VEHICLES, LIMITED OFFICIAL USE

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TO CONTROL THE SIZE OF MEETINGS AND TO METE OUT PUNISHMENT FOR PERSONS COMMITTING SUCH OFFENSES.

2. EVEN BEFORE SHUKLA'S STATEMENT, IT WAS EVIDENT THAT SOME EDITORS INTENDED TO TAKE MRS GANDHI AT HER WORD. IN THE DAYS FOLLOWING HER ANNOUNCEMENT, THE INDIAN EXPRESS AND THE STATESMEN (TWO HIGHLY CRITICAL PAPERS WHICH HAVE COME UNDER VARIOUS GOI PRESSURES IN THE PAST) RAN OUTSPOKEN EDITORIALS WELCOMING THE ELECTIONS BUT URGING THAT ALL RESTRICTIONS ON THE PRESS BE LIFTED SO AS TO ENSURE A FREE AND FAIR POLL. THE TWO PAPERS ALSO CARRIED STORIES BASED ON INTERVIEWS WITH J.P. NARAYAN IN PATNA AND EVEN INCLUDED J.P.'S MESSAGE TO THE PEOPLE WHICH URGED THE VOTERS TO REJECT THE CONGRESS FOR HAVING BEEN "GUILTY OF MURDERING DEMOCRACY." ANOTHER EXAMPLE OF THE NEW LIBERTIES WHICH THE PRESS IS TAKING WAS CONTAINED IN A FORTHRIGHT EDITORIAL IN YESTERDAY'S "STATESMAN". THE EDITORIAL WENT SO FAR AS TO SAY THAT IT WAS "SPECIOUS TO ARGUE THAT ELECTIONS CAN

BE HELD DURING THE EMERGENCY." THIS IS THE FIRST TIME
IN THE LAST NINETEEN MONTHS THAT WE HAVE SEEN THIS
TYPE OF OUTSPOKEN REPORTING.

3. OTHER PAPERS AS WELL ARE TAKING ADVANTAGE OF THE
RELAXATION OF PRESS RESTRICTIONS AND ARE GIVING GREATER
COVERAGE TO THE ACTIVITIES OF THE OPPOSITION PARTIES.

4. MEANWHILE, REPORTS CONTINUE TO APPEAR ON THE STEADY
RELEASE OF MISA DETAINEES. ASIDE FROM MORAIJI DESAI
AND ADVANI, TWO OTHER OPPOSITION MPS HAVE BEEN FREED:
MAHADEEPAK SINGH SHAKYA (JAN SANGH FROM U.P.) AND
T.S. LAKSHMANAN (DMK FROM TAMIL NADU). (NOTE: THIS
BRINGS THE NUMBER OF DETAINED MPS DOWN TO SEVENTEEN.
SIX OTHERS ARE ON PAROLE AND WE ASSUME WILL BE
RELEASED SHORTLY.) IN ADDITION, LARGE NUMBERS OF
OPPOSITION MEMBERS OF THE STATE ASSEMBLIES ARE BEING
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RELEASED. FOR EXAMPLE, IN 7.P., NINE MLAS AND TWO
MLCS WERE FREED YESTERDAY, AND FOUR JAN SANGH MEMBERS
OF THE KARNATAKA ASSEMBLY WERE RELEASED AT THE SAME
TIME. MAHARASHTRA CHIEF MINISTER S.B. CHAVAN TOLD THE
PRESS THAT POLITICAL LEADERS DETAINED UNDER MISA WOULD
BE FREED IN BATCHES IN THE NEXT EIGHT TO TEN DAYS.
SCHNEIDER

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